

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/801,854  
Applicant : MICHAEL G. ZAIS, ET AL.  
Filed : MARCH 17, 2004  
  
Title : REVERSE FLANGE COLLAR ADAPTER AND REVERSE  
FLANGE COLLAR  
  
Confirmation No. : 1972  
Art Unit : 3781  
Examiner : HARRY A. GROSSO  
  
Atty Docket No. : XERX-0113-UT1

DECLARATION UNDER 37 C.F.R. 1.131

**Mail Stop Amendment**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

We, Mike Zais and Cary Etter do hereby declare and state that:


1. We are the named co-inventors of the above-captioned patent application. The subject matter claimed in that application, as we understand it, is directed to an underground storage tank with a collar provided around an opening in the tank, typically a manway or similar opening. The invention is distinguished by putting an adapter between the collar and a riser which accommodates appurtenances to the tank, where the adaptor meets with the riser in inwardly projecting flanges.

2. The subject matter claimed in the above-captioned patent application is distinguished over art we were aware of in that the connection between the adapter and the riser is inside the outer perimeter of the collar/riser. Fluid leaking between the riser and the flanges will be contained by the collar, adapter and riser.

3. The device described and claimed in the above-captioned patent application, and identified above, was made by us, as employees of Xerxes Corporation, well prior to July, 2003. Attached hereto as Exhibit A to this Declaration is a copy of a Xerxes engineering drawing, prepared using a "Cad Cam" software application. The drawing substantially reflects the invention as claimed. We understand that the date of this drawing and the copy attached hereto as Exhibit A has been redacted or removed. Nonetheless, the computer system, and the original version of this drawing, confirm our memory that in fact the drawing was completed well in advance of July 24, 2003.


4. The system illustrated in Figure A was in fact prepared and completed at a Xerxes facility in Seguin, Texas, well prior to July, 2003. Attached hereto as Exhibit B are copies of photos of an adapter, and its installation on an underground storage tank, where the adapter was demonstrated to function as intended, that is, provide a water tight containment between the collar and the riser, for the underground storage tank.

5. All statements made herein are of our own knowledge are true, and all statements made are on information or belief are believed true. Further, we are aware that willful, false statements and the like are punishable by fine, imprisonment or both, 18 U.S.C. § 1001, and that any such false statements may jeopardize the validity of the above-captioned patent application and any patent to issue thereon.

  
Michael Zais

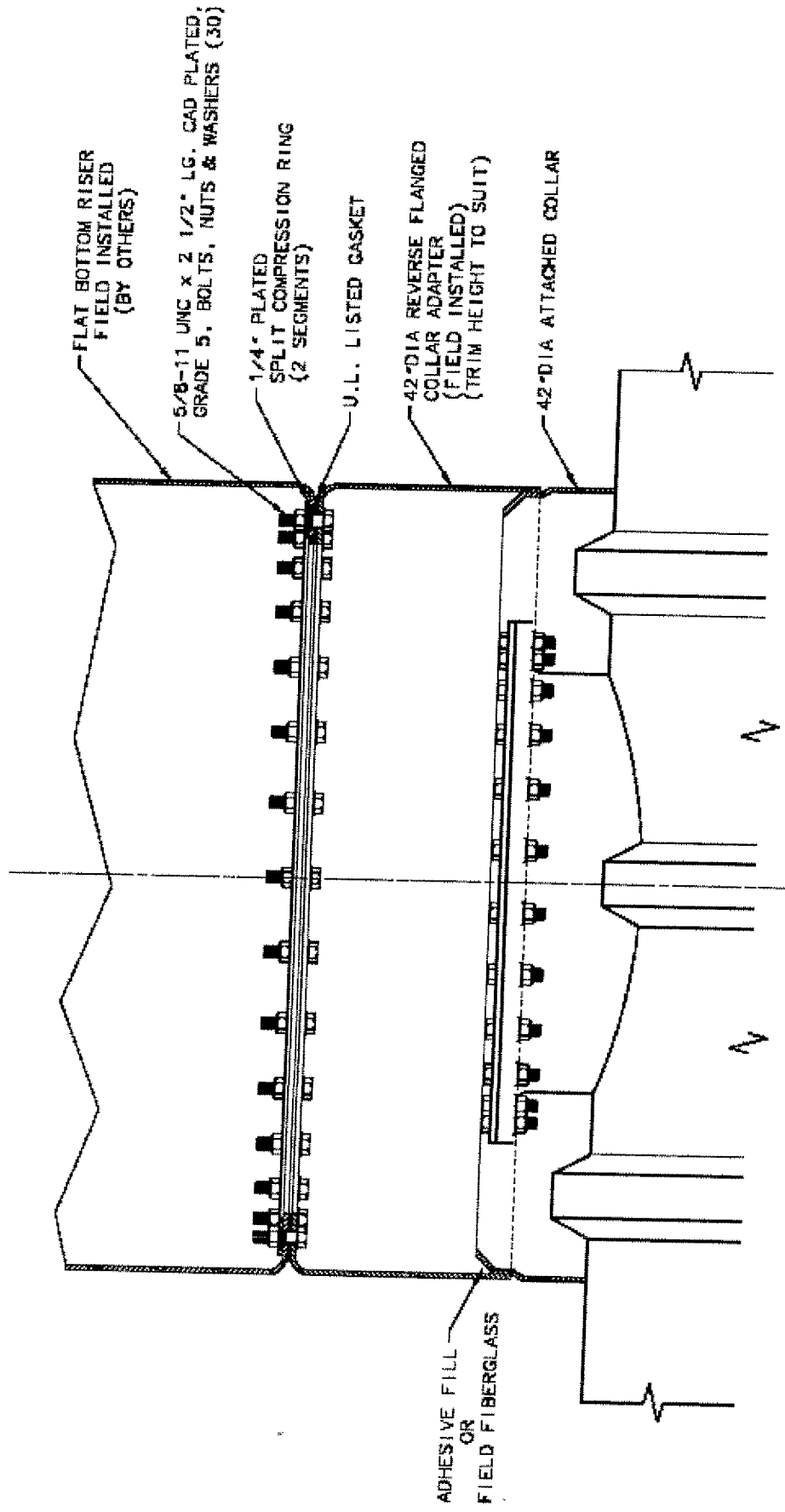
  
Date

  
Cary Etter

  
Date

# Exhibit A





FLAT BOTTOM RISER  
FIELD INSTALLED  
(BY OTHERS)

5/8-11 UNC x 2 1/2" LG. QAD PLATED;  
GRADE 5, BOLTS, NUTS & WASHERS (30)

1/4" PLATED  
SPLIT COMPRESSION RING  
(2 SEGMENTS)

U.L. LISTED GASKET

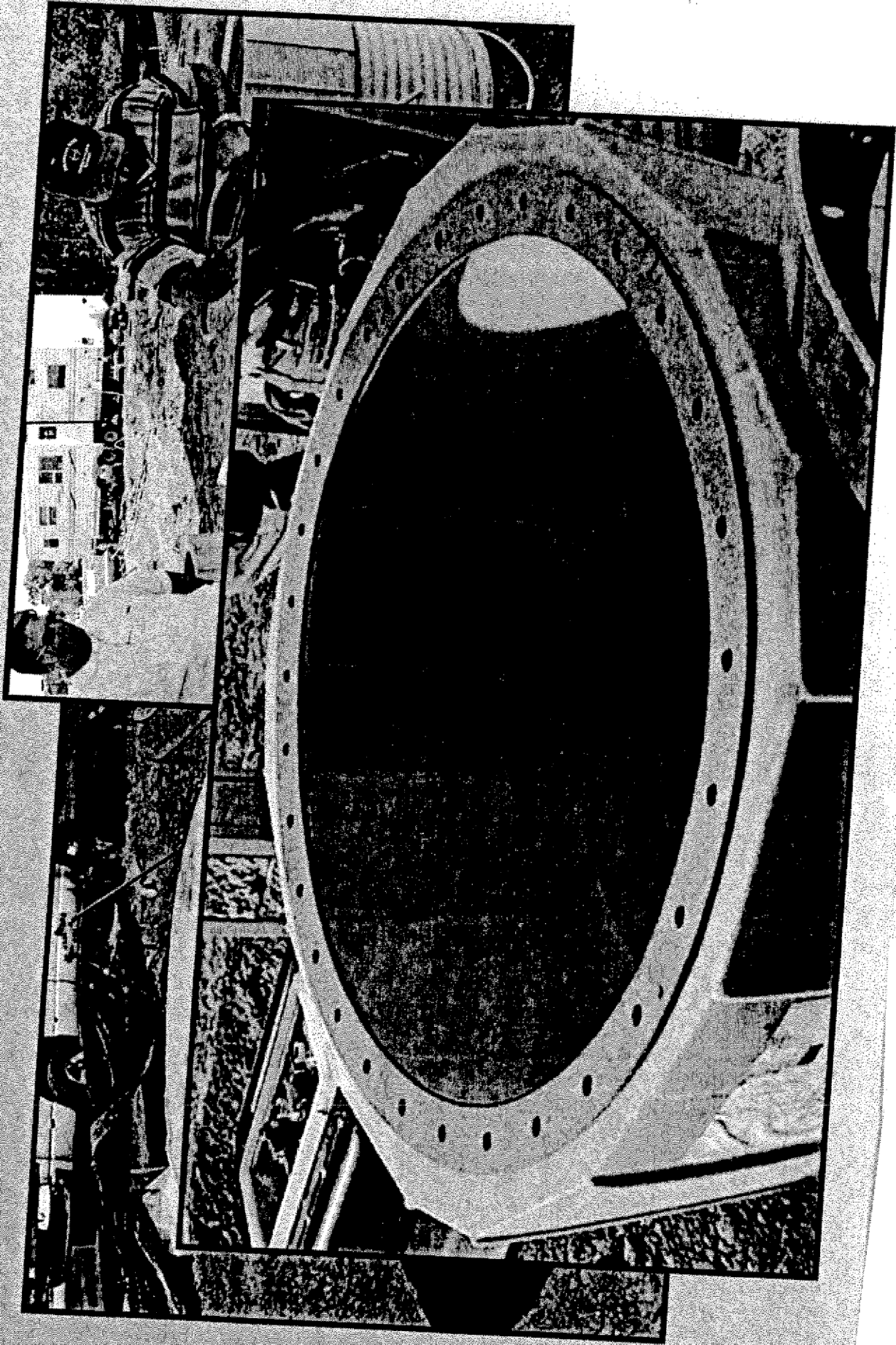
42" DIA REVERSE FLANGED  
COLLAR ADAPTER  
(FIELD INSTALLED)  
(TRIM HEIGHT TO SUIT)

42" DIA ATTACHED COLLAR

ADHESIVE FILL  
OR  
FIELD FIBERGLASS

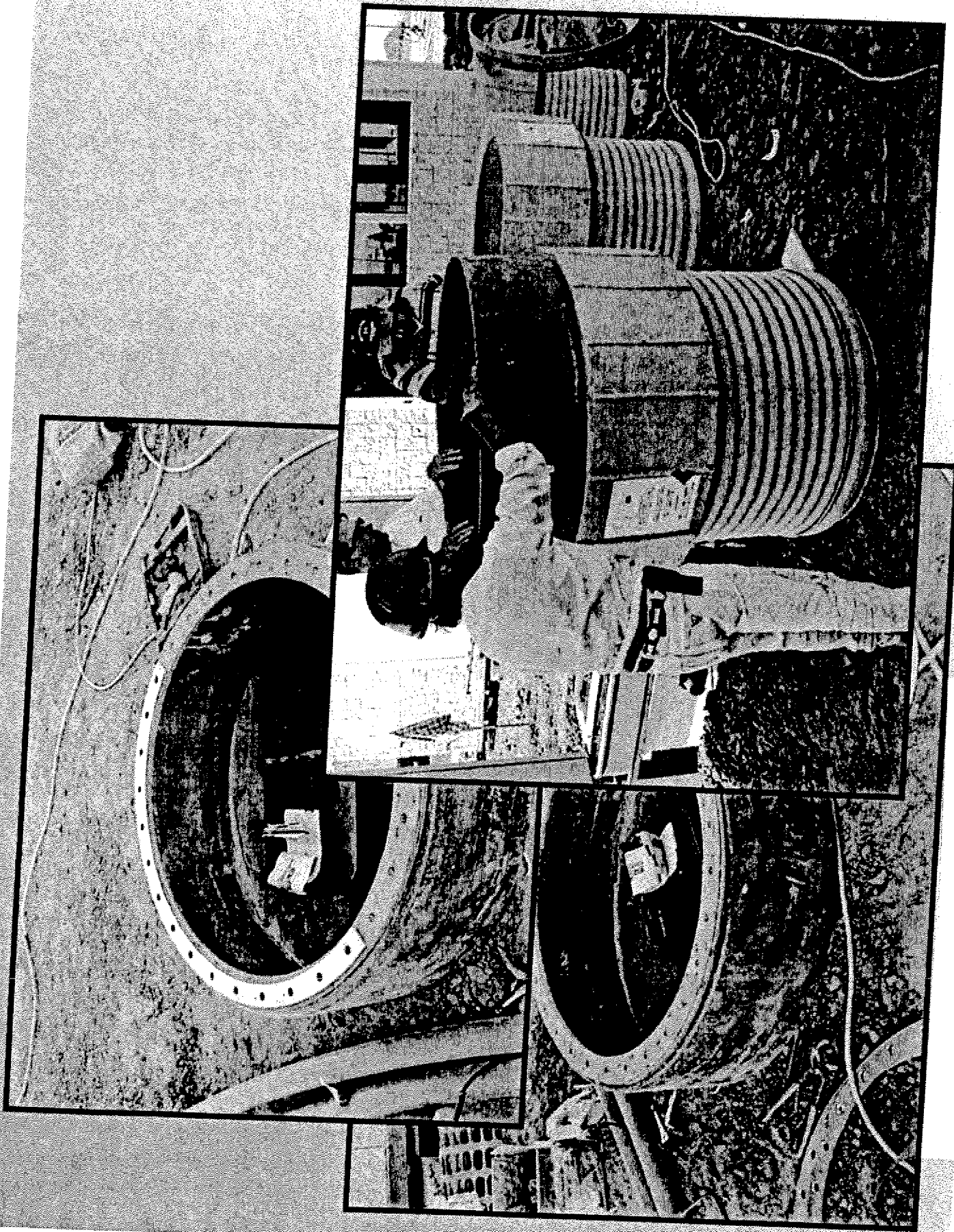
2		CHANGE BELT QUANTITY FROM 24 TO 20		DATE	BY
				2-27-00	AK
1		CHANGE VITON GASKET TO U.L. LISTED GRADE 5 & UNWATERED COMPRESSION RING TO PLATED		DATE	BY
				2-28-00	AK
				2-27-00	AK
				2-21-00	AK
<b>XERXES</b>					
CORPORATION					
42" DIA REVERSE FLANGED COLLAR ADAPTER & RISER ASSEMBLY					
DATE	BY	DATE	BY	DATE	BY
2-27-00	AK	2-28-00	AK	2-27-00	AK
2-21-00	AK	2-21-00	AK	2-21-00	AK
C 622-583 02				REV 1 OF 1	

# Exhibit B



**XERXES®**  
CORPORATION





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